

As Amended by House Committee

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 465

By Committee on Assessment and Taxation

1-27

12 AN ACT concerning ~~income taxation~~ **adoption**; relating to **income tax**
13 credits; adoption of certain children; **creating task force to promote**
14 **adoption**; amending K.S.A. 79-32,202 and repealing the existing
15 section.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 79-32,202 is hereby amended to read as follows:
19 79-32,202. (a) For all taxable years commencing after December 31, ~~1996~~
20 ~~2005, and in addition to the credit provided in subsection (b)~~, there shall
21 be allowed as a credit against the tax liability of a resident individual
22 imposed under the Kansas income tax act an amount equal to: (1) 25%
23 of the amount of the credit allowed against such taxpayer's federal income
24 tax liability pursuant to section 23 determined without regard to subsec-
25 tion (c) thereof of the federal internal revenue code; (2) *in addition to*
26 *subsection (a)(1), 25% of the amount of such federal income tax credit, if*
27 *the child adopted by the taxpayer was a resident of Kansas prior to such*
28 *lawful adoption; and (3) and in addition to subsections (a)(1) and (a)(2),*
29 *25% of the amount of such federal income tax credit, if the child adopted*
30 *by the taxpayer is at least eight years but less than 17 years, a child with*
31 *special needs, as described in subsection (b), a child who is from a mi-*
32 *nority group or children from the same sibling group as defined in sec-*
33 *tion 23 of the federal internal revenue code*, and the child was a res-
34 ident of Kansas prior to such lawful adoption, for the taxable year in which
35 such credit was claimed against the taxpayer's federal income tax liability.

36 (b) For all taxable years commencing after December 31, 1996, there
37 shall be allowed as a credit against the tax liability of a resident individual
38 imposed under the Kansas income tax act an amount equal to \$1,500 for
39 the taxable year in which occurs the lawful adoption of a child in the
40 custody of the secretary of social and rehabilitation services or a child
41 with special needs, whether or not such individual is reimbursed for all
42 or part of qualified adoption expenses or has received a public or private
43 grant therefor. As used in this subsection, terms and phrases shall have

1 the meanings ascribed thereto by the provisions of section 23 of the fed-
2 eral internal revenue code. No credit shall be allowed under subsection
3 (a) for any qualified adoption expenses incurred in the adoption of a child
4 described by this subsection.

5 (c) The credit allowed by subsections (a) and (b) shall not exceed the
6 amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto,
7 reduced by the sum of any other credits allowable pursuant to law. If the
8 amount of such tax credit exceeds the taxpayer's income tax liability for
9 such taxable year, the amount thereof which exceeds such tax liability may
10 be carried over for deduction from the taxpayer's income tax liability in
11 the next succeeding taxable year or years until the total amount of the tax
12 credits has been deducted from tax liability, ~~except that no such tax credit~~
13 ~~shall be carried over for deduction after the fifth taxable year succeeding~~
14 ~~the taxable year in which the credit was claimed.~~

15 **New Sec. 2. (a) There is hereby established a task force to pro-**
16 **motte adoption. The task force shall be composed of the following**
17 **members, who shall be appointed not later than 45 days after the**
18 **effective date of this act:**

19 (1) **Two members of the house of representatives and one**
20 **member of the public appointed by the speaker of the house of**
21 **representatives;**

22 (2) **one member of the house of representatives appointed by**
23 **the minority leader of the house of representatives;**

24 (3) **two members of the senate and one member of the public**
25 **appointed by the president of the senate;**

26 (4) **one member of the senate appointed by the minority leader**
27 **of the senate; and**

28 (5) **three persons appointed by the governor.**

29 (b) **One of the legislative members of the task force appointed**
30 **by the speaker of the house of representatives shall call and pre-**
31 **side at the first meeting of the task force. At such meeting the**
32 **members of the task force shall elect a chairperson and vice-chair-**
33 **person. The task force shall meet on the call of the chairperson.**
34 **The task force shall meet at least quarterly and at other times**
35 **necessary to perform its functions. If a vacancy occurs on the task**
36 **force, the vacancy shall be filled in the same manner as the original**
37 **appointment.**

38 (c) **Members of the task force to promote adoption shall re-**
39 **ceive compensation and travel expenses and subsistence expenses**
40 **or allowances as provided in subsection (e) of K.S.A. 75-3223, and**
41 **amendments thereto, when attending meeting of such task force.**

42 (d) **The task force to promote adoption may meet at any time**
43 **and at any place within the state on the call of the chairperson.**

- 1 (e) It shall be the duty of the task force to provide statewide
2 policy recommendations aimed at encouraging adoption. Specifi-
3 cally, the task force shall conduct an analysis of adoption in Kansas
4 focused on the following questions:
- 5 (1) Is the current adoption tax credit adequate enough to en-
6 courage adoption
- 7 (2) Does the current adoption tax credit adequately offset
8 adoption expenses incurred by adoptive parents
- 9 (3) What primary issues factor into the decision of birth par-
10 ents when faced with an unintended pregnancy
- 11 (f) The staff of the office of revisor of statutes, the legislative
12 research department and the division of legislative administrative
13 services shall provide such assistance as may be requested by the
14 task force.
- 15 (g) The task force shall submit a final report of its findings and
16 recommendations to the legislature and to the governor on or be-
17 fore February 15, 2007.
- 18 Sec. ~~2~~ 3. K.S.A. 79-32,202 is hereby repealed.
- 19 Sec. ~~3~~ 4. This act shall take effect and be in force from and after its
20 publication in the ~~statute book~~ **Kansas register**.